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Council for Trade in Services

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**NOTIFICATION OF U.S. PREFERENTIAL TREATMENT TO SERVICES AND SERVICES
SUPPLIERS OF LEAST-DEVELOPED COUNTRIES**

The following notification from the delegation of the United States, dated 3 September 2015, is being circulated to the Members of the Council for Trade in Services.

In accordance with the decision by Ministers at the WTO's Eighth Ministerial Conference on *Preferential Treatment to Services and Service Suppliers of Least-Developed Countries* (WT/L/847) ("Waiver"), and the decision by Ministers at the WTO's Ninth Ministerial Conference on *Operationalization of the Waiver Concerning Preferential Treatment to Services and Services Suppliers of Least-Developed Countries* (WT/L/918), the Permanent Mission of the United States to the World Trade Organization in Geneva has the honor to notify to the World Trade Organization Council for Trade in Services of the preferential treatment that the United States is providing to services and services suppliers of least-developed countries ("LDCs").

With respect to application of the measures described in Article XVI of the *General Agreement on Trade in Services* (GATS), the United States is according to LDCs treatment more favorable than the treatment set out in the U.S. Schedule of Specific Commitments (GATS/SC/90, incl. suppl.) and consistent with the treatment accorded to free trade agreement partners of the United States, in the sectors and subsectors indicated in this notification. The preferential treatment is accorded with respect to several sectors and modes of supply identified as being of particular export interest to LDCs in *The Collective Request Pursuant to the Bali Decision on the Operationalization of the LDC Services Waiver Concerning Preferential Treatment to Services and Service Suppliers of Least Developed Countries* (S/C/W/356). The United States intends to maintain this preference for the period of the Waiver.

The table below indicates the more favorable treatment accorded to LDCs. The inclusion of a preference in this notification is without prejudice as to whether the preference is consistent with Article II of the GATS.

Sector/Subsector	Conditions of Market Access for Services and Services Suppliers of LDCs
Foreign Legal Consulting Services	<p>The supply of services, without limitations, from the territory of an LDC into the territory of the United States or in the territory of an LDC to a service consumer of the United States.</p> <p>The supply of services, without limitations, by a service supplier of an LDC through commercial presence in the United States, or through the presence of natural persons of the LDC who are in the United States lawfully for the purpose of supplying such services, in the following states: Alaska, California, Connecticut, Florida, Georgia, Hawaii, Illinois, Louisiana, Michigan, New Mexico, Oregon, Texas, Washington.</p> <p>Additionally, such supply is permitted subject to an in-state office requirement for Arizona, District of Columbia, Indiana, Massachusetts, Minnesota, New Jersey, New York, North Carolina, Ohio, and Utah. Association with an in-state law office is required for these forms of supply in Missouri.</p> <p>For greater certainty, the more favorable treatment does not apply with respect to Alabama, Arkansas, Colorado, Delaware, Idaho, Iowa, Kansas, Kentucky, Maine, Maryland, Mississippi, Montana, Nebraska, Nevada, New Hampshire, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.</p>
Accounting, Auditing and Bookkeeping Services	<p>The supply of services, without limitations, from the territory of an LDC into the territory of the United States or in the territory of an LDC to a service consumer of the United States.</p> <p>The supply of services, without limitations, by a service supplier of an LDC through commercial presence, except that sole proprietorships or partnerships are limited to persons licensed as accountants.</p> <p>The supply of services, without limitations, through the presence of natural persons of the LDC who are in the United States lawfully for the purpose of supplying such services, except that an in-state office must be maintained to receive a license to perform audits in: Arkansas, Connecticut, Iowa, Kansas, Kentucky, Michigan, Minnesota, Nebraska, New Hampshire, New Mexico, Ohio, Vermont, and Wyoming. US citizenship is required for licensure in North Carolina.</p>

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Engineering Services Integrated Engineering Services	<p>The supply of services, without limitations, from the territory of an LDC into the territory of the United States or in the territory of an LDC to a service consumer of the United States.</p> <p>The supply of services, without limitations, by a service supplier of an LDC through commercial presence in the United States, or through the presence of natural persons of the LDC who are in the United States lawfully for the purpose of supplying such services.</p>
Research and development services: R&D services on natural sciences, social sciences and humanities, and interdisciplinary R&D services, excluding R&D financed in whole or in part by public funds	<p>The supply of services, without limitations, from the territory of an LDC into the territory of the United States or in the territory of an LDC to a service consumer of the United States.</p> <p>The supply of services, without limitations, by a service supplier of an LDC through commercial presence in the United States, or through the presence of natural persons of the LDC who are in the United States lawfully for the purpose of supplying such services.</p>
Technical testing and analysis services, other than government-mandated services or services financed in whole or in part by public funds	<p>The supply of services, without limitations, from the territory of an LDC into the territory of the United States or in the territory of an LDC to a service consumer of the United States.</p> <p>The supply of services, without limitations, by a service supplier of an LDC through commercial presence in the United States, or through the presence of natural persons of the LDC who are in the United States lawfully for the purpose of supplying such services.</p>
Other business services: Other, including: <ul style="list-style-type: none"> - translation and interpretation services, - mailing list compilation and mailing services, - specialty design services 	<p>The supply of services, without limitations, from the territory of an LDC into the territory of the United States or in the territory of an LDC to a service consumer of the United States.</p> <p>The supply of services, without limitations, by a service supplier of an LDC through commercial presence in the United States, or through the presence of natural persons of the LDC who are in the United States lawfully for the purpose of supplying such services.</p>
Other Competitive Delivery Services	<p>The supply of services, without limitations, from the territory of an LDC into the territory of the United States except for services supplied by the U.S. Postal Service in accordance with a universal service obligation as provided under domestic law or the Universal Postal Union Acts. The supply of services, without limitations, in the territory of an LDC to a service consumer of the United States.</p>

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	<p>The supply of services, without limitations, by a service supplier of an LDC through commercial presence in the United States, or through the presence of natural persons of the LDC who are in the United States lawfully for the purpose of supplying such services, except for services supplied by the U.S. Postal Service in accordance with a universal service obligation as provided under domestic law or the Universal Postal Union Acts.</p> <p>Under U.S. law, the universal service obligation requires the U.S. Postal Service to receive, transmit, and deliver throughout the United States written and printed matter, parcels, and like materials.</p>
Cable services provided over cable systems	<p>The supply of services, without limitations, from the territory of an LDC into the territory of the United States or in the territory of an LDC to a service consumer of the United States.</p> <p>The supply of services, without limitations, by a service supplier of an LDC through commercial presence in the United States, or through the presence of natural persons of the LDC who are in the United States lawfully for the purpose of supplying such services.</p>
Information services (the offering of a capability for generating, acquiring, storing transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing)	<p>The supply of services, without limitations, from the territory of an LDC into the territory of the United States or in the territory of an LDC to a service consumer of the United States.</p> <p>The supply of services, without limitations, by a service supplier of an LDC through commercial presence in the United States, or through the presence of natural persons of the LDC who are in the United States lawfully for the purpose of supplying such services.</p>
Higher Education Services (except flying instruction)	<p>The supply of services, without limitations, from the territory of an LDC into the territory of the United States or in the territory of an LDC to a service consumer of the United States.</p> <p>The supply of services, without limitations, by a service supplier of an LDC through commercial presence in the United States, or through the presence of natural persons of the LDC who are in the United States lawfully for the purpose of supplying such services.</p>

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	<p>For transparency purposes, individual U.S. institutions maintain autonomy in admission policies, in setting tuition rates, and in the development of curricula or course content. Educational and training entities must comply with requirements of the jurisdiction in which the facility is established. In some jurisdictions, accreditation of institutions or programs may be required. Institutions maintain autonomy in selecting the jurisdiction in which they will operate, and institutions and programs maintain autonomy in choosing to meet standards set by accrediting organizations as well as to continue accredited status. Accrediting organizations maintain autonomy in setting accreditation standards. Tuition rates vary for in-state and out-of-state residents. Additionally, admissions policies include considerations of equal opportunity for students (regardless of race, ethnicity, or gender), as permitted by domestic law, as well as recognition by regional, national, and/or specialty organizations; and required standards must be met to obtain and maintain accreditation. To participate in the U.S. student loan program, foreign institutions established in the United States are subject to the same requirements as U.S. institutions.</p>
<p>Motion Picture & Video Tape Home Video Entertainment Production and Distribution</p> <p>Promotion or advertising services</p> <p>Motion picture or video tape production services (this class refers to theatrical and non-theatrical motion pictures, whether provided on fixed media or electronically)</p> <p>Motion picture or video tape distribution services (distribution services in this context may include the licensing of motion pictures or video tapes to other service providers for exhibition, broadcasting, or other transmission, rental, sale or other use)</p> <p>Other services in connection with motion pictures and video tape production and distribution (distribution services in this context may include the licensing of motion pictures or video tapes to other service providers for exhibition, broadcasting, or other transmission, rental, sale or other use)</p> <p>Motion Picture Projection Services</p>	<p>The supply of services, without limitations, from the territory of an LDC into the territory of the United States or in the territory of an LDC to a service consumer of the United States.</p> <p>The supply of services, without limitations, by a service supplier of an LDC through commercial presence in the United States, or through the presence of natural persons of the LDC who are in the United States lawfully for the purpose of supplying such services.</p>

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<p>Radio and Television Services</p> <p>Radio and Television Distribution Services</p> <p>Other services in connection with motion pictures and video tape production and distribution (This class refers to theatrical and non-theatrical motion pictures, whether provided on fixed media or electronically. For greater clarity, distribution services in this context may include the licensing of motion pictures or video tapes to other service providers for exhibition, broadcasting, or other transmission, rental, sale or other use.)</p>	
<p>Environmental Services</p> <p>Wastewater Management, excluding Water for Human Use (Wastewater services (contracted by private industry))</p> <p>Solid/hazardous waste management (contracted by private industry)</p> <p>Refuse disposal services</p> <p>Sanitation and Similar Services</p> <p>Protection of ambient air and climate (Services to reduce exhaust gases and other emissions to improve air quality)</p> <p>Remediation and clean-up of soil and water (Treatment, remediation of contaminated/polluted soil and water)</p> <p>Noise and vibration abatement (Noise abatement services)</p> <p>Protection of biodiversity and landscape (Nature and landscape protection services)</p> <p>Other environmental and ancillary services (Other services not classified elsewhere)</p>	<p>The supply of services, without limitations, from the territory of an LDC into the territory of the United States or in the territory of an LDC to a service consumer of the United States.</p> <p>The supply of services, without limitations, by a service supplier of an LDC through commercial presence in the United States, or through the presence of natural persons of the LDC who are in the United States lawfully for the purpose of supplying such services.</p> <p>In each of these subsectors, the more favorable treatment is limited to the following activities: implementation and installation of new or existing systems for environmental cleanup, remediation, prevention and monitoring; implementation of environmental quality control and pollution reduction services; maintenance and repair of environment-related systems and facilities not already covered by the U.S. market access commitments in the U.S. Schedule of Specific Commitments under the GATS on maintenance and repair of equipment; on-site environmental investigation, evaluation, monitoring; sample collection services; training on site or at the facility; consulting related to these areas.</p>

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Physical well-being services	<p>The supply of services, without limitations, from the territory of an LDC into the territory of the United States or in the territory of an LDC to a service consumer of the United States.</p> <p>The supply of services, without limitations, by a service supplier of an LDC through commercial presence in the United States, or through the presence of natural persons of the LDC who are in the United States lawfully for the purpose of supplying such services.</p> <p>For transparency purposes, this subsector includes physical well-being services such as delivered by, inter alia, fitness centers, spas, salons, massage (excluding therapeutic massage), and ayurvedics. This subsector does not include regulated medical services. For greater certainty, this more favorable treatment does not include any authorization of the provision of unregulated substances or affects the ability of state authorities to regulate substances that may be affiliated with these services.</p>
Road freight transport	<p>The supply of services, without limitations, from the territory of an LDC into the territory of the United States or in the territory of an LDC to a service consumer of the United States.</p> <p>The supply of services, without limitations, by a service supplier of an LDC through commercial presence in the United States, or through the presence of natural persons of the LDC who are in the United States lawfully for the purpose of supplying such services.</p>
Cargo-handling services (except maritime or air transport services)	<p>The supply of services, without limitations, from the territory of an LDC into the territory of the United States or in the territory of an LDC to a service consumer of the United States.</p> <p>The supply of services, without limitations, by a service supplier of an LDC through commercial presence in the United States, or through the presence of natural persons of the LDC who are in the United States lawfully for the purpose of supplying such services.</p>
Storage and warehouse services (except maritime or air transport services)	<p>The supply of services, without limitations, from the territory of an LDC into the territory of the United States or in the territory of an LDC to a service consumer of the United States.</p>

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	The supply of services, without limitations, by a service supplier of an LDC through commercial presence in the United States, or through the presence of natural persons of the LDC who are in the United States lawfully for the purpose of supplying such services.
Freight transport agency services (except maritime or air transport services)	<p>The supply of services, without limitations, from the territory of an LDC into the territory of the United States or in the territory of an LDC to a service consumer of the United States.</p> <p>The supply of services, without limitations, by a service supplier of an LDC through commercial presence in the United States, or through the presence of natural persons of the LDC who are in the United States lawfully for the purpose of supplying such services.</p>
